

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

U.S. BANK, NATIONAL ASSOCIATION,  
AS TRUSTEE UNDER THE POOLING AND  
SERVICING AGREEMENT DATED AS OF  
MARCH 1, 2007, GSAMP TRUST 2007-HE2,  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2007-HE2

Plaintiff,

v.

REBECCA H. ROLLINS,

Defendant.

CA No.: \_\_\_\_\_

**COMPLAINT**

NOW COMES plaintiff U.S. Bank, National Association, as Trustee under the Pooling and Servicing Agreement dated as of March 1, 2007, GSAMP Trust 2007-HE2, Mortgage Pass-Through Certificates, Series 2007-HE2 ("U.S. Bank"), by and through its undersigned counsel, Duane Morris LLP, for its complaint against defendant Rebecca H. Rollins ("Defendant"), respectfully shows:

**INTRODUCTION**

1. U.S. Bank has filed this action for the purpose of obtaining an order to the effect that a certain mortgage signed by Robert C. Rollins, Jr., now deceased, is a lien on property owned by Defendant. The subject mortgage was signed by Robert C. Rollins, Jr. and intended to be filed of record in the Recorder of Deeds Office of Sussex County, Delaware (the "Recorder's Office"), but for reason that are not clear, the Mortgage does not appear of record.

### **THE PARTIES**

2. U.S. Bank is a national banking association existing under the laws of the United States of America. U.S. Bank's main office, as set forth in its articles of association, is located at 425 Walnut Street, Cincinnati Ohio.

3. Defendant is a citizen of the State of Delaware, with an address of 23076 Lakeview Drive, Millsboro, Delaware.

### **JURISDICTION AND VENUE**

4. The Court has jurisdiction over this action pursuant to 28 U.S.C. §1332 by virtue of complete diversity of citizenship, insofar as U.S. Bank was, and is at the time of the filing of the Complaint, a citizen of the State of Ohio, and Defendant is and at the time of the filing of the Complaint, a citizen of the State of Delaware, and the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(b) because a substantial part of the events or omissions giving rise to the claims stated in this complaint occurred in this district; Defendant resides in this judicial district; and/or the property at issue is situated in the this district.

### **COUNT I –QUIET TITLE**

6. On or about June 29, 2004, Robert C. Rollins, Jr. deceased, entered into a loan transaction with Americor Lending Group, which lent him the sum of \$303,500.

7. The loan was evidenced by a note signed by Robert C. Rollins, Jr. a true and correct copy of which is attached hereto as Exhibit "A" (the "Note").

8. The Note was secured by a mortgage (the "Mortgage") on property located at 23076 Lakeview Drive, Millsboro, Delaware (the "Property"), said Property being owned by Robert C. Rollins, Jr. and Defendant, as husband and wife with the right of survivorship.

9. The Mortgage was signed by both Robert C. Rollins, Jr. and Defendant, as husband and wife. A true and correct copy of the Mortgage is attached hereto as Exhibit "B".

10. The Property is more fully described as "All that certain lot, piece or parcel of land, lying and being situated in Dagsboro Hundred, Sussex County, Delaware, being known and designated as Lot No. 44 of Lakeview Estates, Section II, upon a recorded lot of record in the Office of the Recorder of Deeds in and for Sussex County, Georgetown, Delaware Plot Book 44, Page 155." *See* Exhibit "B."

11. Subsequent to the closing of the loan transaction and the signing of the Note and Mortgage, the loan was assigned to U.S. Bank.

12. Through accident and without any fault or negligence on the part of U.S. Bank, and without any knowledge on its part, the original Mortgage was lost and never recorded in the office responsible for recording the Mortgage.

13. The parties intended that the Mortgage signed by Robert C. Rollins, Jr. and Defendant be a lien on the Property described in the Mortgage.

14. U.S. Bank is entitled to an order allowing it to file a copy of the Mortgage, as if it were the original, in the Recorder's Office and to have said Mortgage treated as the original.

*[Remainder of Page Left Intentionally Blank]*

WHEREFORE, U.S. Bank prays for relief as follows:

- (a) an order requiring the Recorder's Office to accept a copy of such order, together with a copy of the Mortgage attached, as though it was the original document creating the Mortgage interest;
- (b) that the Court enter an order requiring the Recorder's Office, or any such other appropriate recording authority, to accept for filing a copy of the Mortgage; and
- (c) such other and further equitable relief as the Court may deem proper.

Dated: May 7, 2015  
Wilmington, Delaware

DUANE MORRIS LLP

/s/ Jarret P. Hitchings

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*Attorneys for Plaintiff U.S. Bank, National  
Association, as Trustee under the Pooling and  
Servicing Agreement dated as of March 1, 2007,  
GSAMP Trust 2007-HE2, Mortgage Pass-Through  
Certificates, Series 2007-HE2*